

INFORMATION SHEET

DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS

DISTRICT OFFICE: Saint Paul District
FILE NUMBER: MVP-2007-1862-WAB
PROJECT MANAGER: William Baer

PROJECT REVIEW/DETERMINATION COMPLETED: In the office? Y ☒ N ☐ Date:2/14/07
At the project site? Y ☒ N ☐ Date:10/16/06

PROJECT LOCATION INFORMATION:

State: MN
County: Polk & Marshall
Center coordinates of site by latitude & longitude: 48.1796815519/-96.6510422564
Approximate size of site/property (including uplands) in acres:1,600
Name of waterway or watershed: Snake. MN.

Type of Aquatic Resource1:	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	42x 11.272 ac	3x 3.411ac							
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

1Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors1	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?			x		
Is or would be used as habitat by other migratory birds that cross state lines?			x		
Is or would be used as habitat for endangered species?					x
Is used to irrigate crops sold in interstate commerce?		x			

1Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

TYPE OF DETERMINATION: Preliminary ☐ Or Approved: ☒

ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

(1) The ~1,600 acre site is located approximately 5 miles east, 1 mile south of the community of Warren and the project involves construction of an off-channel flood control impoundment. Areas surrounding the site have been farmed or involved with agricultural uses. The project site includes 113 small seasonal and temporary wetland basins, including 45 that are determined to be nonjurisdictional. The site has limited topographic relief and is bordered by judicial drainage ditches. The southwestern edge of the site is within 1/4-mile of an unnamed ephemeral/intermittent tributary.

(2-3) A review of available information, including USGS topographic maps, NWI maps, USDA soil survey information, MN Public Waters Inventory map, aerial photos, and information provided on behalf of the applicant, indicates the wetland is isolated and does not have an apparent identifiable surface water connection to jurisdictional waters. Information provided on behalf of the applicant includes an onsite delineation of directly impacted wetlands from construction of the impoundment dike, and NRCS-assisted offsite wetland determination performed in accordance with MN wetland mapping conventions. The wetland is located entirely within Polk and Marshall Counties, Minnesota. Furthermore, wetlands are not navigable-in-fact and there is no indication they support interstate commerce.

(4) There are 68 jurisdictional wetland basins occurring onsite and the site is bordered and intersected with agricultural drainage ditches.